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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

LANCE E. SPEAKE,

Plaintiff,

vs.

MICHAEL MINOV, et al.,

Defendants.

Case No. 3:20-cv-00005-MMD-WGC

**ORDER GRANTING
MOTION TO EXTEND THE DEADLINE
TO FILE THE STIPULATION AND ORDER
FOR DISMISSAL WITH PREJUDICE**

Defendant, by and through Counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Meredith N. Beresford, Deputy Attorney General, hereby move to extend the deadline to file the Stipulation and Order for Dismissal with Prejudice in this matter by 30 days.

Lance Speake (Speake) is currently in the lawful custody of the Nevada Department of Corrections (NDOC) and is housed at Northern Nevada Correctional Center (NNCC). ECF No. 9. On December 15, 2020, Speake and Defendants participated in an Early Mediation Conference where a settlement was reached. ECF No. 13. The deadline to file the Stipulation and Order for Dismissal with Prejudice is scheduled for January 4, 2021. *Id.* Counsel for Defendant completed the Settlement Agreement (Agreement) and it was sent to Speake; however, Speake refused to sign the Agreement because he had questions/concerns about certain language. See Exhibit A, Email for Refusal. Counsel for Defendant attempted to schedule a meet and confer with Speake but was informed that he was in quarantine due to COVID-19. See Exhibit B. Further, the Court assisted parties in the Early Mediation Conference through the use of closed captioning. Speake will require the use of the TTY phone for the meet and confer.

Federal Rule of Civil Procedure 6(b)(1) governs enlargements of time and provides as follows:

When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or (B) on motion made after the time has expired if the party failed to act because of excusable neglect.

The proper procedure, when additional time for any purpose is needed, is to present a request for extension of time before the time fixed has expired. *Canup v. Miss. Val. Barge Line Co.*, 31 F.R.D. 282 (W.D. Pa. 1962). Extensions of time may always be asked for, and usually are granted on a showing of good cause if timely made under subdivision (b)(1) of the Rule. *Creedon v. Taubman*, 8 F.R.D. 268 (N.D. Ohio 1947).

Good cause exists to extend the time to file the Stipulation and Order for Dismissal as COVID-19 has delayed a meet and confer between the parties to discuss Speake's concerns with some of the language. Defendant is requesting a 30-day extension to allow for any quarantine period and time to set-up the use of the special phone.

EXHIBITS

A. Email Re: Quarantine

B. Email Re: TTY Phone

DATED this 31st day of December, 2020.

AARON D. FORD
Attorney General

By:

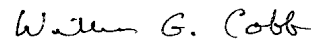


MEREDITH N. BEREFORD, Bar No. 13308
Deputy Attorney General

Attorneys for Defendants

IT IS SO ORDERED.

DATED: January 4, 2021.


UNITED STATES MAGISTRATE JUDGE